

**Remarks:**

Applicants appreciatively acknowledge the Examiner's confirmation of receipt of Applicants' claim for priority and certified priority document under 35 U.S.C. § 119(a)-(d).

Reconsideration of the application, as amended herein, is respectfully requested.

Claims 22 - 46 are presently pending in the application.

Claims 22, 31, 43 and 46 have been amended. Claims 1 - 21 were previously canceled by preliminary amendment.

On page 2 of the above-identified Office Action, claims 22, 31 and 43 were objected to on the basis of informalities. Claims 22, 31 and 43 have been amended to address the formalistic objections to those claims.

On page 3 of the Office Action, claims 22 and 46 were rejected as allegedly being indefinite under 35 U.S.C. § 112, second paragraph. Claims 22 and 46 have been amended to address the concerns raised with regard to 35 U.S.C. § 112, second paragraph on page 3 of the Office Action. The processing of the encrypted useful data object, by the switching component, in accordance with the information relating to the check, is supported by the specification of the instant application, for

example, on page 11 of the instant application, lines 11 - 19,  
which state:

**The switching component (recipient-side MMS switching unit) takes the information received into account as appropriate, composes or provides the delivery message (in particular MM) with suitable-objects for downloading by the MMS user application and sends a recipient notification (in particular MMS recipient notification conforming to a conventional MMS method) to the first telecommunications terminal, where the notification is processed by a corresponding user application (MMS user application). [emphasis added by Applicants]**

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph.

On page 4 of the Office Action, claims 22 - 46 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over PCT Application Publication Number WO 02/4314 to Mostafa ("MOSTAFA") in view of U. S. Patent Application Publication No. 2002/0077986 to Kobata ("KOBATA").

Applicants respectfully traverse the above rejections, as applied to the amended claims.

More particularly, Applicants have amended claim 22 to recite, among other limitations:

in a switching component of a telecommunications network, providing an encrypted useful data object to be transmitted to the first telecommunications

terminal with a reference for checking a suitability of the encrypted useful data object for the first telecommunications terminal, the switching component not having access to the contents of the encrypted useful data object due to the encryption;

Applicants' amended independent claim 46 recites, similar limitations, among others. As such, Applicants' claimed invention requires, among other things, a switching component that has access to an encrypted useful data object, which is to be transferred to a particular target terminal, but which it cannot read due to the encryption. Independent of the contents of the encrypted useful data object, the switching component must determine a profile of the processing capabilities of the target terminal and transfer the profile to a data provisioning component that knows the contents of the useful data object. Thus, the data provisioning component (which is provided with the profile, and which knows the contents of the encrypted data object) can check whether the useful data object to be transferred to the terminal can be processed by the target terminal. After which, Applicants' claimed invention requires, among other things, that the data provisioning component process the encrypted data object and inform the switching component of the result of this check, and that the switching component send a notification of the determination to the target terminal, accordingly.

Thus, information is provided to the first terminal regarding whether or not the encrypted data object conforms with the capabilities of the first terminal. In one particular use of the claimed invention, the notification from the switching component (which, itself, does not know the contents of the encrypted data object) informs a user not to request, and pay for, a decryption key for a data object that is unusable by the user's terminal.

Applicants' presently claimed invention is not taught or suggested by the combination of prior art cited in the Office Action. More particularly, pages 4 - 5 of the Office Action point to the **MOSTAFA** reference as allegedly disclosing providing all limitations of Applicants' former claim 22, except the encryption of the useful data object, for which page 5 of the Office Action cites **KOBATA**. Applicants amended claims are believed to be patentable and unobvious over the combined **MOSTAFA** and **KOBATA** references.

More particularly, the **MOSTAFA** reference discloses a data transmission system which provides a notification message containing information that a media content is available to be streamed to the addressed recipient. See, for example, the Abstract of **MOSTAFA**.

As shown in Fig. 3 of **MOSTAFA**, a multimedia messaging service user agent (MMS UA) A transmits a multimedia message to a MMS UA B, via a system including MMS Relay A and MMS Relay B, which stores the multimedia message. As can be seen from page 18 of the **MOSTAFA** reference, lines 22 - 26, in **MOSTAFA**, the **MMS relay B knows the contents of the multimedia message.**

See, for example, page 18 of **MOSTAFA**, lines 22 - 26, state:

Since the media content contained in a particular multimedia message is stored in MMS server B and the storing operation is performed via MMS relay B, **MMS relay B has access to information describing the media content** which, for example, was encapsulated with the multimedia message sent from MMS user agent A.  
[emphasis added by Applicants]

Thus, **MOSTAFA** specifically teaches that the MMS relay B of **MOSTAFA must know the content of the multimedia message,** as well as the properties of the MMSE B of **MOSTAFA**. See for example, page 18 of **MOSTAFA**, line 22 - page 19, line 14. Additionally, **MOSTAFA** teaches that the MMS relay B of **MOSTAFA** is capable, on its own, of converting certain multimedia messages between different formats. See, for example, page 19 of **MOSTAFA**, lines 2 - 3. As such, **the MMS relay B** of **MOSTAFA** can determine, **on its own,** whether, and in which form, a multimedia message can be made available for streaming to the MMS UA B. In contrast to the teachings of **MOSTAFA**, Applicants' claimed switching component does not have access to the content of the encrypted data object, and thus, must

rely on a suitability check provided by the data provisioning component for information on the suitability of the encrypted data object for a particular terminal.

However, contrary to Applicants' claimed invention, the teaching in **MOSTAFA** specifically teaches away from Applicants' claimed invention, by explicitly teaching that the MMS relay B knows the contents of the MMS message to be transmitted. In fact, according to the teachings of the **MOSTAFA** reference teaches that the MMS relay B must know the contents of the MMS message and the capabilities of the target terminal, in order to determine format conversion and/or suitability of the multimedia message for the targeted terminal. As such, even if the data object of **MOSTAFA** were encrypted, as in the **KOBATA** reference, the MMS relay B of **MOSTAFA** **must still have access to the contents of the encrypted data object**, in order to determine conversion or suitability, as specifically taught in **MOSTAFA**. Modifying the teachings of **MOSTAFA** so that the MMS relay B did not have access to the contents of the encrypted data object, as recited in Applicants' claims, would impermissibly destroy the **MOSTAFA** reference for its intended purpose.

In other words, even if the multimedia messages of **MOSTAFA** were encrypted in accordance with the teachings of the **KOBATA**

reference, as alleged in the Office Action, a person of ordinary skill in this art would understand that, in order to provide the conversion functionality, the MMS relay B of **MOSTAFA** must still have access to the content of the multimedia message. Otherwise, the MMS relay B of **MOSTAFA** would not be able to convert between different formats, as disclosed on page 19 of **MOSTAFA**, lines 3 - 14. M.P.E.P. § 2143.01(V) states that a proposed modification cannot render the prior art unsatisfactory for its intended purpose. As such, the **MOSTAFA** reference, even taken in combination with **KOBATA**, cannot be modified to block access of the MMS relay B to the content of the multimedia message, as required by Applicants' claims, because such a modification would render the **MOSTAFA** reference unsatisfactory for its intended purpose.

For the foregoing reasons, among others, the cited prior art does not teach or suggest, and cannot be modified to teach or suggest, among other limitations of Applicants' claims, a switching component as claimed by Applicants, which does not know the contents of the encrypted useful data object. Applicants' claims are, therefore, believed to be patentable over any permissible combination of the **MOSTAFA** and **KOBATA** references.

It is accordingly believed that none of the references, whether taken alone or in any combination, teach or suggest the features of claims 22 and 46. Claims 22 and 46 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 22.

In view of the foregoing, reconsideration and allowance of claims 22 - 46 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Steiner LLP, No. 12-1099.



Respectfully submitted,

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